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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/497,943	02/04/2000	Mark Aaron Behlke		8098

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EXAMINER

SISSON, BRADLEY L

ART UNIT PAPER NUMBER

1634

DATE MAILED: 03/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Examiner-Initiated Interview Summary</b>	<b>Application No.</b> 09/497,943	<b>Applicant(s)</b> BEHLKE ET AL.	
	<b>Examiner</b> Bradley L. Sisson	<b>Art Unit</b> 1634	

**All Participants:**
**Status of Application:** 071

 (1) Bradley L. Sisson.

(3) \_\_\_\_\_.

 (2) Wendy M. Seffrood, Reg. No. 52,205.

(4) \_\_\_\_\_.

**Date of Interview:** 28 March 2006
**Time:** \_\_\_\_\_

**Type of Interview:**

- ☒ Telephonic  
☐ Video Conference  
☐ Personal (Copy given to: ☐ Applicant ☐ Applicant's representative)

**Exhibit Shown or Demonstrated:** ☐ Yes ☒ No

If Yes, provide a brief description: \_\_\_\_\_

**Part I.**
**Rejection(s) discussed:**
*Potential Rejections under 35 USC 112, first, second, and fourth paragraphs; and the sending of a Notice of Non-Compliant Amendment*
**Claims discussed:**

29-33, 35, 37-41, 43-48, 55, 56, and 58-62

**Prior art documents discussed:**
**Part II.**
**SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:**
*See Continuation Sheet*
**Part III.**

- ☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.  
☒ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.



(Examiner/SPE Signature)

(Applicant/Applicant's Representative Signature – if appropriate)

Continuation of Substance of Interview including description of the general nature of what was discussed: With regard to claim 29, the aspect of double sets of i) and ii) under (a) was discussed, as was the phrase "a labeled nucleotides" found in step (b), line 2.

Mr. Sisson noted that the prior Office action spoke of amending claim 30 to be more like that of claim 31, and that applicant's representative's remarks at page 10 of the response indicated that claim 30 had been amended. However, a review of the amendment finds that claim 31 was amended to reflect the language of claim 30 that prompted the rejection under 35 USC 112, second paragraph. Mr. Sisson indicated that a Notice of Incomplete or Non-Compliant Amendment had been sent out of this issue.

The aspect of having claims 30 and 31 amended to original language was discussed. Mr. Sisson expressed concern over having the term "comprising" in a clause that defines the first and second oligonucleotides when claim 29 uses the phrase "consists of."

Ms. Seffrood indicated willingness to cancel claims 33 and 62 as they raise issues under 35 USC 112, fourth paragraph, in the sense of not further limiting claim 29 from which they depend.

Mr. Sisson expressed concern over the use of the term "comprises" (claim 37 and 39) and the phrase "consisting essentially of" in claim 40 in that potential issues under 112, fourth paragraph may exist.

Agreement was reached in that claims 41, 43 and 58-60 lack antecedent support for 'the Signal Domain.' Ms. Seffrood indicated that the claims would be amended to recite "the Signal Template Domain."

Agreement was reached in that the 32 of 32P would be written as a superscript, and that similar amendments would be made to the other recited isotopes.

Claim 64 was discussed. Of particular concern was the wording of step (a) and how the various components are to be aligned.

In response to inquiry by Ms. Seffrood, Mr. Sisson expressed willingness to hold an interview with applicant and their representative. .